APR 06 2004
PATENT & TRADEMARK OFFICE

10/657636

March 29, 2004

Assistant Commissioner of Patents

Washington, DC 20231

PROTEST UNDER 37 CFR 1.291(a)

Re: Method and system for providing network based target advertising and encapsulation

US File # **20040054589** Filed: 9/8/2003

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. .The US File # is **20040054589**

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon a database maintained at the client level in a client-server ad delivery system.(0124) (0125) The appropriate ads are selected through profiling techniques at the server level then a database is created and downloaded (0047) (0048) (0057) (0098) to a "ad selection node" (0052) that delivers advertising based upon location, content and other triggers (0051) (0191) Maintenance of the advertising database is performed through telecommunications or a wireless communication system. (0098) (0124)

Relevant Claims are: 1, 5, 14 and others. The abstract reads in part, "A telecommunication system implements a method for providing a targeted online advertisement to a user accessing a content provider node of the system. The system further comprises an ad selection node and a user identification node"

Consistently, the inventor describes the invention in client server terms (0126)... because it is simply an extension of the internet, an electronic communication system, relating to advertising delivery. Driving a vehicle from Point A to Point B is a purely voluntary exercise similar to surfing the internet and going to web sites at will. In a location/time based system, advertising is delivered based upon this voluntary user action in one form or another, (0051) albeit radio or a monitor screen to an advertising database maintained dynamically at the client level. Ads are then delivered to the user consequential to his or her actions. Descriptions of these actions and functions are: (0047) (0048) (0051) (0052) (0057) (0096) (0098) (0124) (0125) (0126) (0191) and others.

This is referred to as "pull" advertising as a voluntary action on the part of a user interacts with a pre-established database and a targeted ad is displayed. (0126)

I am objecting to this patent application as it is neither novel nor unique. It is of particular note that no prior art was submitted with this filing and only references to server and user supplied profiling systems. The filers are correct that a targeted system based on URLs, keywords, (0191) or voluntary user actions is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

1. US Patent 6,141,010 ... similar technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

The Applicant is basing much of this Application on previously submitted Provisional Patents filed no earlier than 2001. All of the above references precede the documents cited.

There may be more prior art preceding the 9/8/2003 filing.

I believe the Examiner should look very closely at the Claim made deny this Application as advertising in a client-server environment with advertising decisions being made at the client level are well covered in the above prior art..

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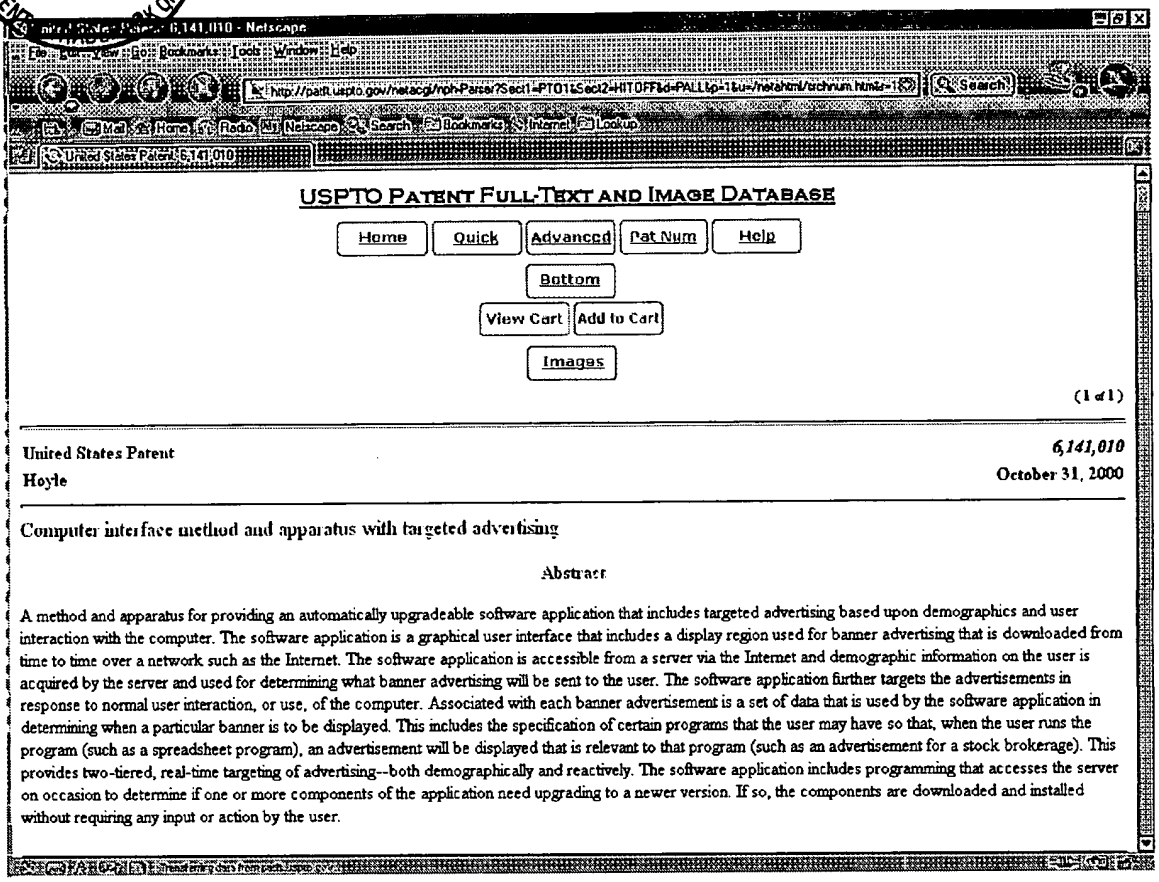

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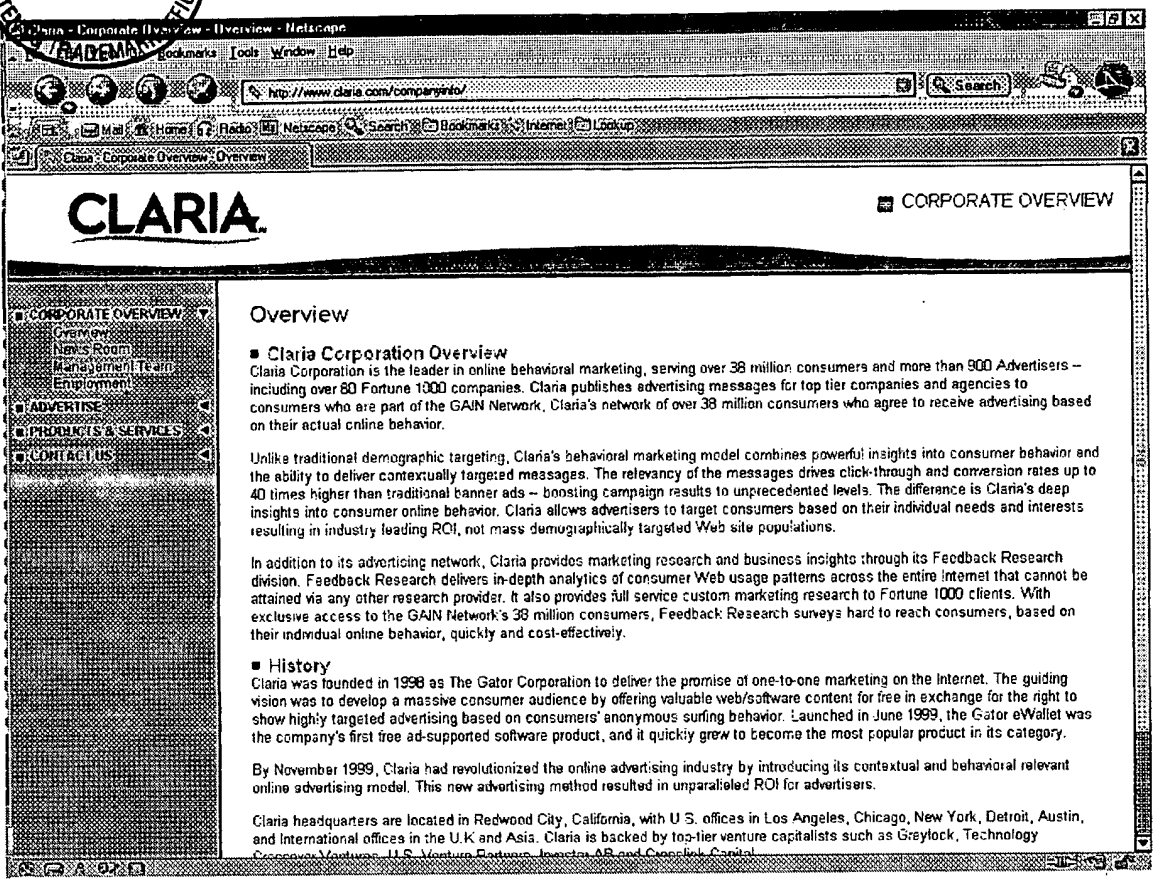
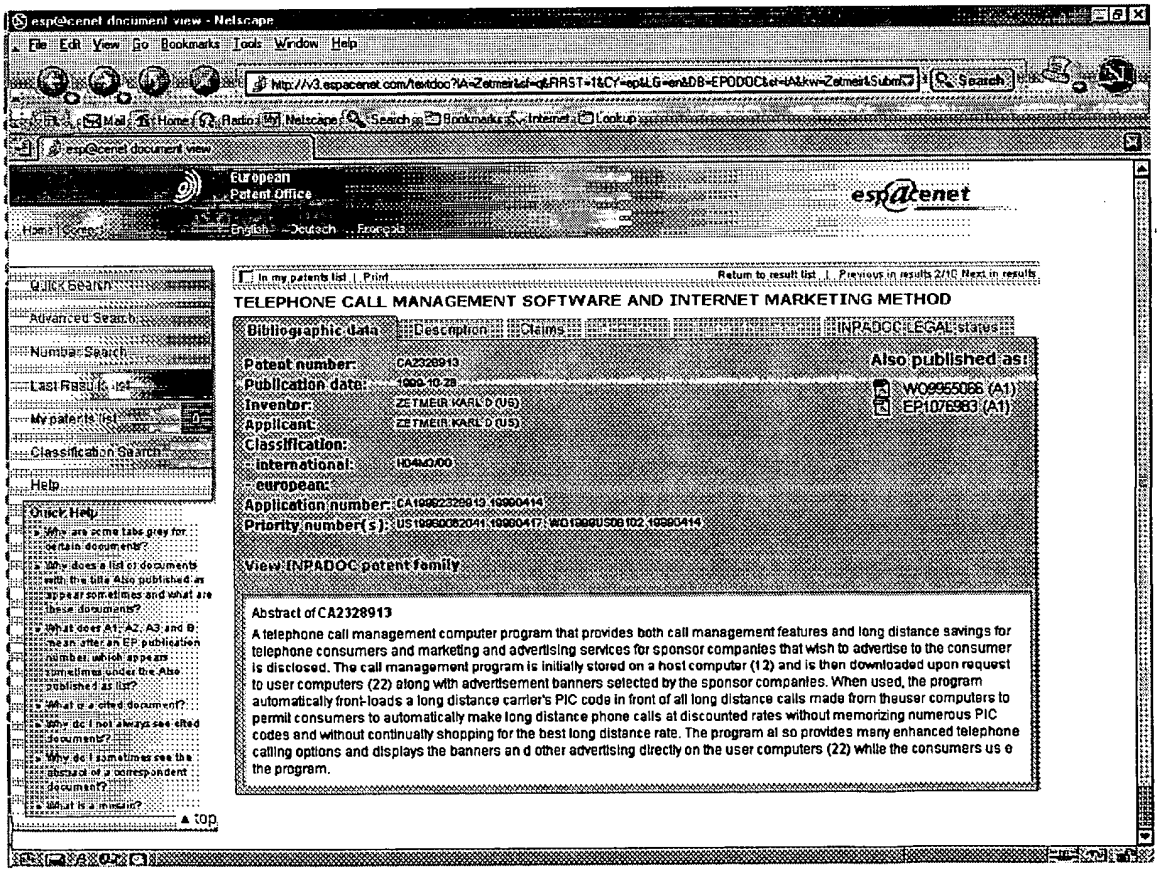
United States Patent — 6,141,010

Hoyle — October 31, 2000

Computer interface method and apparatus with targeted advertising

Abstract

A method and apparatus for providing an automatically upgradeable software application that includes targeted advertising based upon demographics and user interaction with the computer. The software application is a graphical user interface that includes a display region used for banner advertising that is downloaded from time to time over a network such as the Internet. The software application is accessible from a server via the Internet and demographic information on the user is acquired by the server and used for determining what banner advertising will be sent to the user. The software application further targets the advertisements in response to normal user interaction, or use, of the computer. Associated with each banner advertisement is a set of data that is used by the software application in determining when a particular banner is to be displayed. This includes the specification of certain programs that the user may have so that, when the user runs the program (such as a spreadsheet program), an advertisement will be displayed that is relevant to that program (such as an advertisement for a stock brokerage). This provides two-tiered, real-time targeting of advertising--both demographically and reactively. The software application includes programming that accesses the server on occasion to determine if one or more components of the application need upgrading to a newer version. If so, the components are downloaded and installed without requiring any input or action by the user.

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